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September 16, 2004

**VIA HAND DELIVERY**

Ms. Pamela Katz  
Chairman  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06501

**RECEIVED**  
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**CONNECTICUT  
SITING COUNCIL**

**Re: Docket No. 272**

Dear Chairman Katz:

The Connecticut Light and Power Company and The United Illuminating Company (collectively, the "Companies") file this letter in response to the September 13, 2004 electronic mail from the Connecticut Siting Council (the "Council") requesting comments from participants on the Council's proposed topics for consideration at the evidentiary hearings scheduled for September 28, and 29, 2004. The Companies agree with the Council's proposed topics, i.e., EMF mitigation, the Department of Transportation ("DOT") preferred route, and the East Shore route. Consideration of these three issues at the September hearings will allow the Council to move forward in addressing important issues in this docket. Moreover, it is important that the Council utilize the time available in September to address these issues, since the Companies expect that reports from ABB, the Reliability and Operability Committee ("ROC"), and KEMA will be filed within the next month and thus will likely be the focus of hearings conducted in October.

The Companies also wish to respond specifically to: (1) the request of the Towns of Durham and Wallingford that EMF mitigation not be considered until the issuance of the ROC report (*see* Attorney Boucher's letter dated September 15, 2004); (2) the request by the Towns of Woodbridge, Milford, Orange, Cheshire, Durham, and Wallingford that the Council not consider the East Shore route until the ROC report is issued (*see* David Ball's letter dated September 15, 2004 and Attorney Boucher's correspondence); and (3) the request by the Town of Westport that the Council remove the DOT preferred route from the hearing agenda (*see* Ira Bloom's letter dated September 15, 2004). For the reasons stated below, the Council should deny these requests.

{W1318041;2}

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EMF Mitigation

The Towns of Durham and Wallingford contend that they should not be required to expend resources to litigate the issue of EMF mitigation until the issuance of the final ROC report. This request disregards the fact that the Council has been reviewing EMF issues, including EMF mitigation strategies, on an ongoing basis in this docket since the first EMF-related hearings on May 12 and 13, 2004, and the Towns of Durham and Wallingford have been actively engaged in the review of these issues during the entire course of this docket. There is no rational basis for the claim that all discussion of EMF mitigation should be deferred until the ROC group issues its final report. Given the results of the ROC studies conducted to date, it is reasonably likely that some portion of the proposed Project will have to be overhead, and thus critical issues related to EMF mitigation must necessarily be given full consideration by the Council at this time.

The hearings scheduled for September 28 and 29, 2004 will provide the Council and all parties and intervenors with an additional opportunity to review and discuss numerous pending issues regarding EMF mitigation, including but not limited to the following:

- a review of the maps that the Council directed the Companies to prepare at the September 8, 2004 technical meeting in order to aid the Council's consideration of buffer zones. These maps will show the point where the magnetic fields will be at the 3 mG level along both sides of the right of way ("ROW") for both the 15 GW and 27.7 GW cases (using configurations that maximize EMF mitigation in each cross section). As requested by the Council, the maps will also show the point 300' from the outermost conductors along the entire ROW;
- a continuation of the Council's review of what is the appropriate "case" for the Council to consider in evaluating magnetic fields (i.e., the 15 GW case vs. the 27.7 GW case);
- discussion of the nature and extent of buffer zones, and whether the creation of buffer zones will require any takings; and
- additional testimony by Dr. Ginsberg of the Department of Public Health.

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East Shore Route

The Towns of Woodbridge, Milford, Orange, Cheshire, Durham, and Wallingford are requesting that the Council defer further review of the East Shore route until the final ROC report is issued. The principal basis for this request is that the Towns agreed to forego any *harmonic and transient* studies by GE on the Towns' behalf to allow GE to devote its resources to the studies commissioned by the ROC group. However, the Towns fail to note that: (1) as discussed during the prior hearings on the East Shore route conducted in June, one of the critical issues regarding the configuration of any East Shore route is whether a second 345-kV line is necessary (as the Companies have concluded), and this issue requires the analysis of thermal load flow studies, not harmonic and transient studies; (2) the Towns have never been asked to defer thermal load flow studies regarding their proposal for a "single line" East Shore route; and (3) the Towns are not reliant upon GE for such studies because their own expert, Peter Lanzalotta, testified he was capable of performing such studies. (Tr. 6/3/04 at 30-35) A brief review of the "evolution" of discussions in this docket regarding the East Shore route will further illustrate this point.

As outlined in the Direct Testimony of Roger Zaklukiewicz, Anne Bartosewicz, John Prete, Cyril Welter and James Hogan regarding the East Shore Route, dated May 25, 2004 (the "East Shore Prefiled Testimony"), the Companies have concluded that the East Shore route would require the construction of a second 345-kV line on the ROW occupied by the existing 387 line (i.e., the "second-line option"). The Companies reached this conclusion on the basis of thermal load flow studies conducted by PowerGEM. (East Shore Prefiled Testimony at 3-7). As part of their analysis of whether a second 345-kV line would be required as part of any East Shore route, the Companies also evaluated whether all or a portion of the existing 387 line could be reconducted in order to produce a "single line" East Shore route that would satisfy national and regional reliability criteria. The Companies concluded that even a reconducted 387 line would not satisfy such criteria. (East Shore Prefiled Testimony at 6-7). The Companies also reviewed the viability of the "two-line" East Shore route using a variety of routing alternatives and ultimately concluded that the East Shore route would require more undergrounding, cost significantly more than the Proposed Route, involve commensurate or greater environmental impacts, and would impact approximately the same number of schools, residential areas, and other facilities referenced in P.A. 04-246 as the Proposed Route. (East Shore Prefiled Testimony at 28-29).

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Contrary to the Towns' contention, several issues regarding the East Shore route are ripe for continued review by the Council at this time:

- whether a "single line" East Shore route, as proposed by the Towns' expert during the June hearings, is a viable option that satisfies national and regional reliability criteria, or whether a second line would be required as part of any East Shore route;<sup>1</sup>
- whether any party or intervenor supports an East Shore route involving a second line;
- the reliability, cost, environmental, constructability and legal implications of an East Shore route involving a second line;
- a report to the Council on two "homework" assignments regarding East Shore, specifically, the completion of a table comparing the East Shore route and the Proposed Route (Exhibit 104) and a constructability report on the "pros and cons" of an East Shore route that runs underground along on Route 1 from East Shore to East Devon substations.

None of these issues are dependent upon the contents of the ROC report or on any studies that the Towns might request from GE. The only studies that the Towns deferred were *harmonic and transient studies regarding any East Shore proposal*. Such studies would not impact the above topics, but the results of such studies would be necessary for any review of whether the Towns' East Shore route meets operability and reliability criteria. Such studies, and any thermal studies that the Towns request from their own expert, could be addressed during later hearings, if the Towns elect to continue to support a single-line East Shore option.

#### DOT Preferred Route

At the request of the Council, representatives of the Companies, the DOT, and towns impacted by the DOT's preferred route met to discuss DOT's suggested revisions to the proposed underground route. The DOT route should be included on the September agenda so that, at a minimum, the Companies can complete their pending "homework" assignment from the Council to report on the results of these discussions.

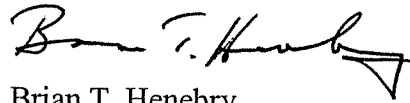
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<sup>1</sup> On July 22, 2004, the Companies filed an additional PowerGEM study supporting their conclusion that a second 345-kV line is necessary as part of the East Shore route. This study was filed as part of Addendum #4 to the Supplemental Filing. The Companies also intend to file two additional PowerGEM studies on or before September 24<sup>th</sup> that further corroborate this conclusion. These studies are clearly an appropriate topic for the September hearings.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Brian T. Henebry", with a stylized flourish at the end.

Brian T. Henebry

BTH/da

cc: Service List